

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	07-00156-01-CR-W-ODS
JOHN LADUE, II,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 5, 2007. Defendant John LaDue, II, appeared in person and with Assistant Federal Public Defender Laine Cardarella. The United States of America appeared by Assistant United States Attorney Brent Venneman.

***I. BACKGROUND***

On May 8, 2007, an indictment was returned charging defendant with possessing a firearm after having been convicted of at least three violent felonies, in violation of 18 U.S.C. §§ 924(g)(1) and 924(e).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Venneman announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Wayne Hartley, Independence Police Department.

Ms. Cardarella announced that she will be the trial counsel for defendant John LaDue, II,.

### ***III. OUTSTANDING MOTIONS***

There is currently pending for ruling by the district judge one motion in limine filed by defendant on September 5, 2007 (document number 28).

### ***IV. TRIAL WITNESSES***

Mr. Venneman announced that the government intends to call 8 witnesses without stipulations or 7 witnesses with stipulations during the trial.

Ms. Cardarella announced that defendant John LaDue, II, intends to call 5 witnesses during the trial. The defendant may testify.

### ***V. TRIAL EXHIBITS***

Mr. Venneman announced that the government will offer approximately 12 exhibits in evidence during the trial.

Ms. Cardarella announced that defendant John LaDue, II, will offer one exhibit in evidence during the trial.

### ***VI. DEFENSES***

Ms. Cardarella announced that defendant John LaDue, II, will rely on the defense of general denial.

### ***VII. POSSIBLE DISPOSITION***

Ms. Cardarella stated this case is definitely for trial.

### ***VIII. STIPULATIONS***

Stipulations as to interstate nexus of the firearm have been signed.

***IX. TRIAL TIME***

Counsel were in agreement that this case will take two to three days to try.

***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed June 19, 2007, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 5, 2007;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 12, 2007;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, September 12, 2007. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

***XI. UNUSUAL QUESTIONS OF LAW***

One motion in limine is pending on the issue of telephone call to the police.

There are no unusual questions of law.

***XII. TRIAL SETTING***

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on September 17, 2007. The lawyers request the second week of the docket due to trial conflicts.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
September 5, 2007

cc: The Honorable Ortrie Smith  
Mr. Brent Venneman  
Ms. Laine Cardarella  
Mr. Jeff Burkholder